



## **MEMORANDUM**

**To: PLANNING COMMISSION**

**Date: October 24, 2006**

**From: COMMUNITY DEVELOPMENT DEPARTMENT**

**Subject: GPA-05-02/ZA-05-03: TILTON - BARNICK**

### **REQUEST**

The applicant is requesting approval to amend the General Plan land use designation and Zoning Designation of a 7.84-acre site from Single Family Low (1-3 du/ac) to Multi-Family Low (5-14 du/ac) and from R1-12,000 and R1-20,000 (Single Family Low Density Residential) to R2-3,500 (Medium Density Residential), respectively.

### **RECOMMENDATION**

Environmental Assessment: Take no action on the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program

Application, GPA-05-02: Adopt resolution recommending Council denial of General Plan Amendment request

Application, ZA-05-03: Adopt resolution recommending Council denial of Zoning Amendment request

Processing Deadline: March 5, 2007

### **CASE ANALYSIS**

#### **General Plan Amendment**

The project site is approximately 7.84 acres in size and is located at the northwest corner of Monterey Road and Tilton Avenue at the north end of town. The site is bounded by the Union Pacific Railroad tracks to the east, residential development to the south, Burnett Elementary School to the west, and agricultural uses (nursery/greenhouses) in the unincorporated county to the north. The project site abuts the following City boundaries to the north: city limits, urban limit line, urban growth boundary and urban service boundary. The current General Plan land use designation on the project site is Single Family Low (1-3 du/ac).

The applicant proposes to amend the land use designation on the project site from Single-Family Low (1-3 du/ac) to Multi-Family Low (5-14 du/ac). Based on the 7.84-acre site, up to 109 residential units would be allowed on the project site under the proposed land use designation. The current land use designation allows up to 23 units on-site. It should be noted that the applicant has prepared a conceptual development plan for the site which is attached for the Commission's reference. While this plan illustrates the type of development that could occur on-site, it is important to note that the attached plan is not proposed at this time. The plan was provided only for discussion and illustrative purposes. Pending approval of the General Plan Amendment and Zoning Amendment requests, the project would still need to compete under the Residential Development Control System (Measure C) and secure the necessary allotments and entitlements.

According to the applicant's Letter of Justification (attached for the Commission's reference), the proposed amendment would *"provide for additional housing type needed in the City of Morgan Hill. It will allow for clustering with smaller lots/units and yield open space areas within the site to provide for transition to conform to uses to the north."* The project would also *"provide housing affordable for young families in this location within walking distance to the City of Morgan Hills most significant business parks."* While it is true that smaller lots allow for clustering of units and are likely to be more affordable in comparison with traditional single-family development, Staff does not feel the location is appropriate for multi-family housing for the reasons described below.

**Consistency with the General Plan** - The General Plan includes a number of policies and action statements to address properties located at the northern limits of Morgan Hill adjacent to County lands. In general, these policies and action statements were created to promote continued agricultural uses in the county, minimize conflicts between county agricultural uses and Morgan Hill residential uses, and provide acceptable land use transition within Morgan Hill as well as with neighboring uses in the unincorporated County and the City of San Jose. For the Commission's reference, a copy of these General Plan policies and action statements are listed below.

*Community Development Element*

- Policy 5a. Promote the maintenance of current County General Plan policies encouraging low-density uses, including large lots and agriculture, for County projects adjacent to the UGB.*
- Action 5.2 Work with Santa Clara County to minimize potential land use conflicts between urban uses within the UGB and rural lands adjacent to the growth boundary.*
- Action 6.2 Investigate potential conflicts between future residential development and existing agricultural operations and identify methods of resolving such conflicts prior to development.*
- Action 8.3 Provide for an acceptable transition in lot size and density between adjacent residential areas.*
- Policy 15a. West of Highway 101 and north of the Madrone Industrial Park, feather residential uses toward the northern Sphere of Influence boundary with San Jose.*

*Action 15.1 Retain the existing land use pattern of large lots east and west of 101 and north of Cochrane Road.*

As discussed in further detail below, the proposed amendments would not be consistent with a number of General Plan policies and action statements.

***Feathering*** - Since the time the site was annexed into the City of Morgan Hill, its land use designation has been Single-Family Low. The intent of the lower density designation is to allow for a feathering effect near the edges of the city. The 'feathering effect' essentially creates a gradual transition in land use from the urban built environment to the more rural setting in the county by requiring larger lot development near the city edges. This feathering effect is required under General Plan Policy 15a and Action 15.1 (listed above), and is currently implemented throughout the City. Should the City Council choose to approve the proposed land use change, Policy 15a and Action 15.1 of the Community Development Element would also need to be amended or eliminated.

***Compatibility with Agricultural Uses*** - As noted previously, a nursery/greenhouses are located north of the project site. While compatibility issues will likely exist regardless of the allowed density, the issues will be compounded by allowing more than four times the number of residential units on the site than what is currently allowed under the Single-Family Low designation.

***Residential Density Transition*** - General Plan Action Statement 8.3 requires an acceptable transition in lot size and density between adjacent residential areas. Under the current land use and zoning designations, an acceptable transition is provided between the adjacent residential development to the south (Capriano) and the project site. The portion of the Capriano development located nearest to the project site is designated Single-Family Low and zoned R1(12,000)/RPD. The project site is currently designated Single-Family Low and zoned R1(12,000) along Tilton Avenue and R1(20,000) on the north half of the site. The proposed land use and zoning designations of Multi-Family Low and R2(3,500), respectively, would eliminate this transition. Similar to Policy 15a and Action 15.1 of the Community Development Element, Action 8.3 would also need to be amended or eliminated should the City Council choose to approve the proposed land use change.

***Noise*** - The project site is bounded by railroad tracks to the east, an elementary school to the west, and a collector street to the south. As part of the environmental review process, noise readings were taken near the project site and a noise and vibration study was prepared. According to this study, noise levels resulting from train operations are estimated to be between 78 to 80 dBA  $L_{dn}$  at a distance of 65 to 100 feet from the railroad tracks. The City's acceptable exterior noise level for new residential uses near railroads is 70 dBA  $L_{dn}$ . Any usable outdoor spaces proposed on-site would require approximately 10 decibels of noise reduction in order to meet the City's exterior noise level limits. According to the noise consultants, a 12 to 14-foot noise barrier along the railroad right-of-way could reduce exterior noise levels to 70 dBA  $L_{dn}$  or less. A lower soundwall could be used if no private yards were proposed on the east side of the site (closest to the tracks) and/or if the wall is constructed on top of a raised berm. Noise barriers ranging from six to eight feet in height would also be required to reduce traffic noise from Tilton Avenue and playfield noise from Burnett Elementary School.

With respect to interior noise, the City has established an acceptable interior noise level threshold of 45 dBA  $L_{dn}$ . In order to comply with this standard, a combination of noise control measures would be required including building setbacks, noise barriers, stucco siding, special wall construction, high performance windows and mechanical ventilation. According to the noise and vibration study, any units within 340 feet of the tracks would require noise insulation.

Similar to the compatibility issues with existing agricultural uses, noise issues will exist regardless of the allowed density. However, the issues will be compounded significantly by increasing the density allowed on-site. As part of the project initial study, noise measures were identified that would likely be required at time of development. One such measure is to "*Avoid developing multi-story residential units with direct line of sight to the railroad.*" Compliance with this measure for an R2 project would be difficult and costly.

**Traffic/Circulation** – Under current conditions, queuing at the Tilton Avenue/Monterey Road intersection can extend a distance along Tilton Avenue in front of the project site. While a queuing analysis was not prepared as part of the environmental assessment (the analysis was not required under CEQA), it is probable that more homes on the project site could result in longer vehicle queues on Tilton Avenue during train passbys. While this is not considered an environmental impact under CEQA, it is an operational issue that should be considered with the proposed application.

According to the ITE Trip Generation Manual, the average trip generation rate for single-family detached housing is 9.57 trips per dwelling unit (50 percent entering; 50 percent exiting). The average trip generation rate for residential condominium/townhouses is 5.86 trips per dwelling unit (50 percent entering; 50 percent exiting). When the trip generation rate is multiplied by the number of dwelling units that would be allowed under General Plan buildout, a total of 220 trips would be generated under the current Single-Family Low designation while a total of 638 trips would be generated under the proposed Multi-Family Low designation. Therefore, implementation of the proposed General Plan Amendment could result in 418 additional trips generated by development of the project site (50 percent entering; 50 percent exiting).

### **Zoning Amendment**

The subject site is currently zoned R1(12,000) and R1(20,000). The southern half of the site fronting Tilton Avenue is zoned R1(12,000) and the northern half backing to the unincorporated county is zoned R1(20,000). The current zoning designations provide density transition with the existing residential development to the south and a feathering effect to the north as described under the General Plan Amendment discussion above. Surrounding zoning designations include PUD, Planned Unit Development to the east (across Monterey Road); R1(12,000)/RPD to the south; and PF, Public Facilities to the west. The area to the north has a County zoning designation of A20ac.

Staff does not support a General Plan Amendment to allow higher density housing on the subject site, and therefore, does not support the proposed Zoning Amendment.

## **Environmental Assessment**

An initial study was prepared for the proposed project. It evaluates the potential environmental impacts that might reasonably be anticipated to result from the proposed General Plan Amendment and zone change. A conceptual plan was prepared for the site; however, the approvals being sought at this time do not consist of any entitlements to build on the site. Also, building allocations have not been awarded under the City's Residential Development Control System (Measure C). Therefore, the conceptual plan is not addressed in the initial study. The mitigation measures identified for the proposed General Plan and Zoning Amendments consist largely of adopted policies, existing ordinances or laws, or other programmatic measures in place which can reasonably be assumed to be the source of future mitigation or avoidance measures. More specific development-related mitigation measures will be identified during subsequent CEQA review which will be completed at the time of future discretionary actions necessary for development (e.g. subdivision, site review).

A Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program have been prepared for this project. However, Staff recommends that the Commission take no action on the environmental documents, thereby supporting a recommendation of denial for the proposed General Plan Amendment and Zoning Amendment applications. However, should the Commission choose to recommend approval of the amendment requests, approval of the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program is required.

## **RECOMMENDATION**

Staff recommends denial of the General Plan and Zoning Amendment requests, and recommends the Commission adopt the attached resolution recommending Council denial of the applications. However, should the Commission choose to recommend approval of the requests, approval resolutions are also attached.

## **Attachments:**

1. Mitigated Negative Declaration
2. Mitigation Monitoring & Reporting Program
3. General Plan Amendment Resolution for Denial
4. General Plan Amendment Resolution for Approval
5. Zoning Amendment Resolution for Denial
6. Zoning Amendment Resolution for Approval
7. Applicant's Letter of Justification
8. Conceptual Development Plan



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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## MITIGATED NEGATIVE DECLARATION

### I. DESCRIPTION OF PROJECT:

**Date:** September 5, 2006

**Application #s:** GPA 05-02, ZA 05-03, EA 05-12

**APN:** 712-09-001

**Project Title:** Tilton-Barnick General Plan Amendment and Rezoning

**Project Location:** The approximately 7.84-acre site is located on the northwest corner of Tilton Avenue and Monterey Road in the City of Morgan Hill.

**Project Proponent:** Robert Barnick; P.O. Box 620121; Woodside, CA 94062

**Project Description:** The proposed General Plan amendment would change the land use designation from *Single Family Low (1-3 du/ac)* to *Multi-Family Low (5-14 du/ac)*. This designation would allow development of up to 109 dwelling units on the 7.84-acre site. The project also proposes a zoning change from *R1-12,000* and *R1-20,000 (Single-Family Low Density Residential District)* to *R2-3,500 (Medium-Density Residential District)*. No development is currently proposed on the site.

### II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

### III. CONDITIONS (Mitigation and Avoidance Measures):

#### A. *Biological Resources:*

##### **General Plan Policies**

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to biological resources:

- *Plants and Wildlife Policy 6c* - Preserve outstanding natural features, such as the skyline of a prominent hill, rock outcroppings, and native and/or historically significant trees.
- *Plants and Wildlife Policy 6e* - Identify and protect wildlife, rare and endangered plants and animals and heritage resources from loss and destruction. (SCJAP 15.09)
- *Plants and Wildlife Policy 6g* - Encourage use of native plants, especially drought-resistant species, in landscaping to the extent possible.

##### **Other Program Mitigation and Avoidance Measures**

The following mitigation and avoidance requirements are found in existing laws and regulations, or are reflected in adopted policies. Conformance with these requirements will be incorporated into future specific development proposals as future development is proposed.

##### *Migratory Bird Treaty Act, State Fish and Game Code, and Morgan Hill Citywide Burrowing Owl Habitat Mitigation Plan*

The burrowing owl and nesting raptors are migratory species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulation (50 C.F.R. 21).

Migratory birds are also protected under State regulations. The State Fish and Game Code Section 3503 emulates the MBTA and protects birds' nests and eggs from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the California Department of Fish and Game (CDFG). Nesting bats are also protected under CDFG code.

Under the City of Morgan Hill's *Citywide Burrowing Owl Habitat Mitigation Plan* (2003) all future projects with appropriate habitat are required to perform preconstruction surveys prior to initial ground clearing to avoid "take" of burrowing owls.

##### *City of Morgan Hill Tree Removal Controls*

The City of Morgan Hill Tree Removal Controls regulate the removal of trees in the City. These controls serve to protect all indigenous (native) trees having a trunk measuring 18 inches or more in circumference and nonindigenous trees measuring 40 inches or more in circumference, at a height of four and one-half feet above the natural grade of slope. In addition, any tree found to be part of a "community of trees" such that the loss of several of the trees will cause a significant ecological,

aesthetic, or environmental impact, regardless of tree size or species, are also protected. A tree removal permit is required from the City of Morgan Hill for removal of any such trees. All commercial tree farms, non-native tree species in residential zones and orchards (including individual fruit trees) are not protected by the City of Morgan Hill Tree Removal Controls.

*B. Hazards and Hazardous Materials:*

**General Plan Policies**

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid hazardous materials impacts:

- *Hazardous Materials Policy 3t* - Provide mitigation to remedy the effects of new or expanding development over areas with environmental contamination of any and all unauthorized discharges.

**Other Program Mitigation and Avoidance Measures**

- All demolition activities shall be undertaken according to OSHA and EPA standards to protect workers and off-site occupants from exposure to asbestos and lead-based paint. Specific measures include air monitoring during demolition/construction activities which include existing buildings.
- Building materials classified as hazardous materials shall be disposed of in accordance with federal, state, and local laws.

*C. Hydrology and Water Quality:*

**General Plan Policies**

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid hydrology and water quality impacts:

- *Sewer Capacity, Water Supply and Storm Drainage Action 22.2* - Require developers of individual projects to mitigate on- and off-site drainage impacts and, where appropriate, install local drainage facilities which would contribute to an eventual area-wide solution to local drainage problems. (SCJAP 13.00)
- *Sewer Capacity, Water Supply and Storm Drainage Action 22.3* - Since County maintenance is limited to maintaining local storm drainage facilities which may affect County roads, require additional funding from residents and/or developers for any additional storm drain-related maintenance beyond that which is currently provided. (SCJAP 13.01)
- *Sewer Capacity, Water Supply and Storm Drainage Action 22.4* - Require a storm water management plan for each proposed development, to be presented early in the development process and describe the design, implementation and maintenance of the local drainage facilities. (SCJAP 13.03)



- *Sewer Capacity, Water Supply and Storm Drainage Action 22.6* - Require developers of individual projects to provide mitigation of drainage impacts and protection of ground-water quality. Such mitigation may include limiting runoff to pre-development levels and/or complete solutions to local drainage problems in the vicinity of the development or downstream, possibly using detention or retention methods. (SCJAP 13.05)
- *Sewer Capacity, Water Supply and Storm Drainage Action 22.8* - Ensure that the level of detention or retention provided on-site is compatible with the capacity of the regional storm drainage system.
- *Flood Control Policy 4b* - Prohibit development in floodways and regulate in floodplains to minimize flood damage and be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations. (SCJAP 15.05)
- *Flood Control Policy 4h* - Areas which are developed or planned for development should be protected by the construction of flood control facilities. Development should be managed through advanced planning and design standards to minimize off-site flooding and drainage problems. (SCJAP 12.00)
- *Flood Control Policy 4k* - Require developers whose proposed projects would induce downstream flooding to provide mitigation to eliminate the flood-inducing impacts of their projects. (SCJAP 12.03)
- *Flood Control Policy 4m* - Where other mitigation measures do not solve the flooding problem, permit raising individual foundations (padding up structures) in appropriate situations; however, its use must be restricted in order to minimize the cumulative effects on adjacent areas. (SCJAP 12.06)
- *Flood Control Policy 4n* - Require mitigation of any storm water runoff produced by development that occurs beyond that described in the General Plans of the City and County as of 1982. (SCJAP 12.07)
- *Flood Control Policy 4o* - Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention. (SCJAP 12.08)
- *Flood Control Action 4.4* - Send all subdivisions and private and public project referrals where activity is located near to floodplain areas to Santa Clara Valley Water District for review prior to City approval.

#### **Other Program Mitigation Measures**

The following program mitigation measures would be incorporated into individual development projects during project level review to reduce impacts to a less than significant level.

- The State National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit has specific requirements for storm water management for projects that disturb one acre or more. All development projects with an approved Development Permit that result in a land disturbance of one acre or more are required, prior to the commencement of any clearing, grading, or excavation, to comply with the State General Construction Activities

Permit. Projects over one acre are required to develop, implement and maintain a Stormwater Pollution Prevention Program (SWPPP) to control discharge of storm water pollutants including sediments associated with construction activities.

- The City of Morgan Hill requires preparation an Erosion Control Plan as a standard condition for moderate to large sized projects prior to issuance of building and/or site development permit, subject to review and approval of the Director of Public Works. Conformance with the measures in the erosion control plan would reduce the potential for substantial adverse impacts to water quality during construction.
- The City of Morgan Hill Public Works Department requires capacity and design of the detention systems proposed by the project to be reviewed by the Department of Public Works prior to approval of grading permits.
- The City of Morgan Hill Public Works Department requires collection systems be designed to be capable of handling a year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Whereas, on site retention facilities shall be designed to a 100-year storm capacity.

*D. Land Use:*

**General Plan Policies**

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid land use impacts:

- *Land Use Policy 6b* - Encourage the clustering of residential units to provide open space and recreation areas, and to provide buffer areas between different land uses (e.g. industrial and residential).
- *Land Use Action 6.1* - Use setbacks, natural and man-made barriers such as streams, park land, and drainage ways, and other mitigation to separate incompatible uses whenever possible.
- *Land Use Action 6.2* - Investigate potential conflicts between future residential development and existing agricultural operations and identify methods of resolving such conflicts prior to development.

*E. Noise:*

**General Plan Policies**

Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid noise and vibration impacts:

- *Public Health and Safety Policy 7a* - New development projects shall be designated and constructed to meet acceptable exterior noise level standards, as follows:
  - The maximum exterior noise level of 60 dBA  $L_{dn}$  shall be applied in residential areas where outdoor noise is a major consideration (e.g., backyards in single family housing

developments and recreation areas in multi-family housing projects.) Where the city determines that providing an  $L_{dn}$  of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, an  $L_{dn}$  of 65 dBA may be permitted.

- Indoor noise levels should not exceed an  $L_{dn}$  of 45 dBA in new residential housing units.
- Noise levels in a new residential development exposed to an exterior  $L_{dn}$  of 60 dBA or greater should be limited to a maximum instantaneous noise level (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA. The maximum outdoor noise level for new residences near the railroad shall be 70 dBA  $L_{dn}$ , recognizing that train noise is characterized by relatively few loud events.
- *Public Health and Safety Policy 7b* - The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
- *Public Health and Safety Policy 7e* - Noise level increases resulting from traffic associated with new projects shall be considered significant if: a) the noise level increase is 5 dBA  $L_{dn}$  or greater, with a future noise level of less than 60 dBA  $L_{dn}$ , or b) the noise level increase is 3 dBA  $L_{dn}$  or greater, with a future noise level of 60 dBA  $L_{dn}$  or greater.
- *Community Development Action 12.2*- In requiring noise impact mitigation of new and/or expanded development, the City shall promote the use of techniques less visually disturbing than sound walls-including but not limited to earthen berms and intervening placement of non-sensitive buildings.

#### **Other Program Mitigation Measures**

The following mitigation and avoidance requirements are found in existing laws and regulations, or are reflected in adopted policies. Conformance with these requirements will be incorporated into future specific development proposals as future development is proposed to the City.

#### *Section 1208 of the 1998 California Building Code*

New multi-family housing in the State of California is subject to the environmental noise limits set forth in Appendix Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 dBA  $L_{dn}$ /CNEL. Where exterior noise levels exceed 60 dBA  $L_{dn}$ , a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

#### *F. Public Services:*

##### **General Plan Policies**

All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to public facilities and services:

- *Coordinated Urban and School Development Policy 19a* - Work with the Morgan Hill Unified School District to assure coordinated planning for school facilities needed in conjunction with new development, and to identify appropriate locations for future school facilities.

- *Coordinated Urban and School Development Policy 19g* - To allow school facilities to be used most efficiently and to minimize busing needs, residential development should occur in areas served by existing schools. Contiguous residential development and infill development within built-up areas should be encouraged. (SCJAP 4.05)
- *Coordinated Urban and School Development Action 19.3* - Coordinate development with the scheduling of capital funds for schools. (SCJAP 4.03)
- *Coordinated Urban and School Development Action 19.4* - Condition development approvals on the availability of schools. (SCJAP 4.04)
- *Coordinated Urban and School Development Action 19.5* - Continue to give credits or penalties under the RDCS for the impact of proposed developments on local schools. (SCJAP 4.05)
- *Coordinated Urban and School Development Action 19.12* - Continue to collect development impact fees on new construction to the extent allowed by law. (SCJAP 4.14)

### III. FINDING

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.

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Kathleen Molloy Previsich  
Community Development Director

Date: \_\_\_\_\_

# **MITIGATION MONITORING AND REPORTING PROGRAM**

## **Tilton-Barnick General Plan Amendment and Rezoning Project**

**GPA 05-02, ZA 05-03, & EA 05-12**



**September 2006**

# PREFACE

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the Mitigation Monitoring and Reporting Program is to ensure compliance with the mitigation measures during project implementation.

On \_\_\_\_\_, 2006, the Mitigated Negative Declaration was adopted for the Tilton-Barnick General Plan Amendment and Rezoning project. The Initial Study/Mitigated Negative Declaration concluded that the proposed General Plan Amendment could result in significant effects on the environment; therefore, mitigation measures were included that would reduce impacts of future development on the site under the proposed land use designation. This Mitigation Monitoring and Reporting Program outlines these measures and how, when, and by whom they will be implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>				
Future construction during the nesting season could disturb or destroy occupied nests, which would result in the loss of eggs or young birds.	<p>Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to biological resources:</p> <ul style="list-style-type: none"> <li>• <i>Plants and Wildlife Policy 6c</i></li> <li>• <i>Plants and Wildlife Policy 6e</i></li> <li>• <i>Plants and Wildlife Policy 6g</i></li> </ul> <p>The following mitigation and avoidance requirements are found in existing laws and regulations, or are reflected in adopted policies. Conformance with these requirements will be incorporated into future specific development proposals as future development is proposed.</p> <p><i>Migratory Bird Treaty Act, State Fish and Game Code, and Morgan Hill Citywide Burrowing Owl Habitat Mitigation Plan</i></p> <p>The burrowing owl and nesting raptors are migratory species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulation (50 C.F.R. 21).</p> <p>Migratory birds are also protected under State regulations. The State Fish and Game Code Section 3503 emulates the MBTA and protects birds' nests</p>	<p>The project contractor shall hire a qualified ornithologist to complete the pre-construction survey for active nesting raptor nests.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>A report prepared by a qualified ornithologist documenting the results of the survey and any designated buffer zones shall be submitted to the Department of Community Development and Planning Division prior to the issuance of any grading or building permit.</p>	Director of Community Development

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	and eggs from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the California Department of Fish and Game (CDFG). Nesting bats are also protected under CDFG code.			
Removal of the open air barn and two storage sheds may disturb roosting bats.	<p>Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to biological resources:</p> <ul style="list-style-type: none"> <li>• <i>Plants and Wildlife Policy 6c</i></li> <li>• <i>Plants and Wildlife Policy 6e</i></li> <li>• <i>Plants and Wildlife Policy 6g</i></li> </ul>	The project contractor shall complete a pre-construction survey for roosting bats.	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>If bats are found, precautionary measures to avoid impacts on the bats shall be implemented.</p>	Director of Community Development
Removal of oaks from the site would result in a significant impact under the City's tree ordinance.	<p>Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to biological resources:</p> <ul style="list-style-type: none"> <li>• <i>Plants and Wildlife Policy 6c</i></li> <li>• <i>Plants and Wildlife Policy 6e</i></li> <li>• <i>Plants and Wildlife Policy 6g</i></li> </ul>	The project contractor shall obtain a tree removal permit from the City of Morgan Hill prior to the removal of any ordinance size trees.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development



**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>The City of Morgan Hill Tree Removal Controls regulate the removal of trees in the City. These controls serve to protect all indigenous (native) trees having a trunk measuring 18 inches or more in circumference and nonindigenous trees measuring 40 inches or more in circumference, at a height of four and one-half feet above the natural grade of slope. In addition, any tree found to be part of a "community of trees" such that the loss of several of the trees will cause a significant ecological, aesthetic, or environmental impact, regardless of tree size or species, are also protected. A tree removal permit is required from the City of Morgan Hill for removal of any such trees. All commercial tree farms, non-native tree species in residential zones and orchards (including individual fruit trees) are not protected by the City of Morgan Hill Tree Removal Controls.</p>			

**HAZARDS AND HAZARDOUS MATERIAL**

<p>Residual agricultural chemicals could be present in on-site soils and older structures on the site could contain lead based paint and asbestos.</p> <ul style="list-style-type: none"> <li><i>Hazardous Materials Policy 3t</i></li> </ul> <p>The following mitigation measures would reduce hazards and hazardous materials impacts of the proposed project to a less than significant level.</p> <ul style="list-style-type: none"> <li>All demolition activities shall be undertaken according to OSHA and EPA standards to protect workers and off-site occupants from exposure to asbestos and lead-based paint. Specific measures include air monitoring during demolition/construction activities which include</li> </ul>	<p>Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid hazardous materials impacts:</p>	<p>Prior to approval of a subdivision for the site.</p> <p>During demolition and construction all hazardous materials avoidance measures shall be implemented.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Director of Community Development</p>
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**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>existing buildings.</p> <ul style="list-style-type: none"> <li>Building materials classified as hazardous materials shall be disposed of in accordance with federal, state, and local laws.</li> </ul>			
<b>HYDROLOGY AND WATER QUALITY</b>				
Future redevelopment of the site would significantly increase the amount of runoff from the site.	<p>Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid hydrology and water quality impacts:</p> <ul style="list-style-type: none"> <li><i>Sewer Capacity, Water Supply and Storm Drainage Action 22.2</i></li> <li><i>Sewer Capacity, Water Supply and Storm Drainage Action 22.3</i></li> <li><i>Sewer Capacity, Water Supply and Storm Drainage Action 22.4</i></li> <li><i>Sewer Capacity, Water Supply and Storm Drainage Action 22.6</i></li> <li><i>Sewer Capacity, Water Supply and Storm Drainage Action 22.8</i></li> <li><i>Flood Control Policy 4b</i></li> <li><i>Flood Control Policy 4h</i></li> <li><i>Flood Control Policy 4k</i></li> <li><i>Flood Control Policy 4m</i></li> <li><i>Flood Control Policy 4n</i></li> <li><i>Flood Control Policy 4o</i></li> <li><i>Flood Control Action 4.4</i></li> </ul>	<p>During construction, the project contractor shall implement all measures identified in the ECP and the SWPPP.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>Prior to final map approval, the applicant shall provide a SWPPP and ECP to the Director of Public Works for review and approval.</p>	Director of Public Works
Increased permeable surfaces on the site could result in an increased pollutant load from the site entering the storm	<p>The following mitigation measures would reduce water quality impacts of the proposed project during construction to a less than significant level.</p>	<p>During construction, the project contractor shall ensure the stormwater collection system is constructed as</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	Director of Public Works

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>drainage system and ultimately, Fisher Creek.</p> <ul style="list-style-type: none"> <li>• The State National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit has specific requirements for storm water management for projects that disturb one acre or more. All development projects with an approved Development Permit that result in a land disturbance of one acre or more are required, prior to the commencement of any clearing, grading, or excavation, to comply with the State General Construction Activities Permit. Projects over one acre are required to develop, implement and maintain a Stormwater Pollution Prevention Program (SWPPP) to control discharge of storm water pollutants including sediments associated with construction activities.</li> <li>• The City of Morgan Hill requires preparation an Erosion Control Plan as a standard condition for moderate to large sized projects prior to issuance of building and/or site development permit, subject to review and approval of the Director of Public Works. Conformance with the measures in the erosion control plan would reduce the potential for substantial adverse impacts to water quality during construction.</li> <li>• The City of Morgan Hill Public Works Department requires capacity and design of the detention systems proposed by the project to be reviewed by the Department of Public Works prior to approval of grading permits.</li> <li>• The City of Morgan Hill Public Works Department requires collection systems be designed to be capable of handling a year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Whereas, on site retention facilities shall be designed to a 100-year storm capacity.</li> </ul>		<p>shown in an approved Storm Drainage Study.</p>	<p>Prior to final map approval, the project applicant shall submit a Storm Drainage Study to the Public Works Director and the Santa Clara Valley Water District for review and approval.</p> <p>Prior to issuing a Certificate of Occupancy, the City will verify the approved stormwater detention system is constructed.</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>LAND USE</b>				
The placement of residences near the greenhouses and nurseries north of the site could result in complaints from future residents of the site due to hours of operation and possible chemical use. If these complaints resulted in restrictions being placed on the existing business this would result in a land use compatibility impact.	Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid land use impacts: <ul style="list-style-type: none"> <li>• <i>Land Use Policy 6b</i></li> <li>• <i>Land Use Action 6.1</i></li> <li>• <i>Land Use Action 6.2</i></li> </ul>	The identified General Plan policies should be taken into consideration during design of a site plan.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development
<b>NOISE</b>				
Areas within 340 feet of the UPRR rail line are exposed to exterior noise levels 70 dBA $L_{dn}$ which	Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid noise and vibration impacts:	During construction, the project contractor shall ensure the noise attenuation measures are implemented.	All measures shall be printed on all construction documents, contracts, and project plans.	Director of Community Development/ Chief Building Official

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, & EA 05-12**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
exceeds acceptable levels for residential development near the railroad tracks under City of Morgan Hill guidelines.	<ul style="list-style-type: none"> <li>• <i>Public Health and Safety Policy 7a</i></li> <li>• <i>Public Health and Safety Policy 7b</i></li> <li>• <i>Public Health and Safety Policy 7e</i></li> <li>• <i>Community Development Action 12.2</i></li> </ul> <p>The following mitigation and avoidance requirements are found in existing laws and regulations, or are reflected in adopted policies. Conformance with these requirements will be incorporated into future specific development proposals as future development is proposed to the City.</p> <p><i>Section 1208 of the 1998 California Building Code</i></p> <p>New multi-family housing in the State of California is subject to the environmental noise limits set forth in Appendix Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 dBA <math>L_{dn}</math>/CNEL. Where exterior noise levels exceed 60 dBA <math>L_{dn}</math>, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.</p>		<p>Prior to issuance of building permits, a project-specific acoustical analysis prepared by a licensed professional shall be submitted to the Chief Building Official for review and approval.</p> <p>Prior to issuing a Certificate of Occupancy, the City will verify the approved noise attenuation measures were incorporated into the project.</p>	
<b>PUBLIC SERVICES</b>				
The project would add additional	Many of the policies in the City's General Plan were adopted for the purpose of avoiding or mitigating potential environmental effects that could result	The applicant will be required to pay	Payment of development fees	Director of Community Development

<b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>TILTON-BARNICK RESIDENTIAL PROJECT GPA 05-02, ZA 05-03, &amp; EA 05-12</b>				
<b>Impact(s)</b>	<b>Mitigation and Avoidance Measures</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
residents to the project area and increase the demand for local schools.	<p>from planned development within the City. All future development would be subject to General Plan policies, including the following, which will reduce or avoid impacts to public facilities and services:</p> <ul style="list-style-type: none"> <li>• <i>Coordinated Urban and School Development Policy 19a</i></li> <li>• <i>Coordinated Urban and School Development Policy 19g</i></li> <li>• <i>Coordinated Urban and School Development Action 19.3</i></li> <li>• <i>Coordinated Urban and School Development Action 19.4</i></li> <li>• <i>Coordinated Urban and School Development Action 19.5</i></li> <li>• <i>Coordinated Urban and School Development Action 19.12</i></li> </ul>	development fees prior to issuance of building permits.	prior to issuance of building permits.	

**SOURCE:** City of Morgan Hill, *Tilton-Barnick General Plan Amendment and Rezoning Initial Study*, September 2006.

**RESOLUTION NO. 06- (GPA Denial)**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MORGAN HILL RECOMMENDING TO  
DENY A GENERAL PLAN LAND USE CHANGE FROM  
SINGLE-FAMILY LOW (1-3 DU/AC) TO MULTI-FAMILY  
LOW (5-14 DU/AC) FOR A 7.84-ACRE SITE LOCATED AT  
THE NORTHWEST CORNER OF MONTEREY RD AND  
TILTON AVE (APN 712-09-001)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of October 24, 2006, at which time the Planning Commission recommended denial of General Plan Amendment application, GPA-05-02: Tilton - Barnick; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES  
RESOLVE AS FOLLOWS:**

**SECTION 1.** The project is inconsistent with the Zoning Ordinance and the policies of the General Plan.

**SECTION 2.** The project is recommended for denial, and therefore, does not require environmental review under the California Environmental Quality Act.

**SECTION 3.** The Planning Commission recommends denial of the proposed General Plan Amendment for the reasons listed below and as further discussed under Sections 4 through 8 of this Resolution:

- A. Inconsistency with General Plan Policies and Action Statements regarding feathering, compatibility with agricultural uses, and residential density transition;
- B. Noise Impacts; and
- C. Traffic/Circulation Impacts.

**SECTION 4.** The proposed General Plan Amendment is inconsistent with General Plan Policy 15a and Action 15.1 calling to "*feather residential uses toward the northern Sphere of Influence boundary with San Jose*" and to "*retain the existing land use pattern of large lots east and west of 101 and north of Cochrane Road,*" respectively. The 'feathering effect' creates a gradual transition in land use from the urban built environment to the more rural county setting by requiring larger lot development near the city edges.

**SECTION 5.** Approval of the proposed General Plan Amendment would compound compatibility issues between future residential uses and the adjacent agricultural uses by allowing more than four times the number of units on the site than currently allowed.

**SECTION 6.** General Plan Action 8.3 requires an acceptable transition in lot size and density between adjacent residential areas. The proposed land use change from Single Family Low (1-3 du/ac) to Multi-Family Low (5-14 du/ac) would eliminate the existing density transition between the adjacent property to the south designated Single Family Low and the adjacent property to the north designated Rural County.

**SECTION 7.** The project site is bounded by railroad tracks to the east, an elementary school to the west, and a collector street to the south. Approval of the proposed General Plan Amendment would allow up to 109 residential uses on-site (an increase of 86 units from existing conditions) which would compound noise impacts for future residential uses.

**SECTION 8.** Under the existing Single Family Low designation, it is estimated that 220 vehicle trips would be generated from development of the site. Under the proposed Multi-Family Low designation, 638 vehicle trips are estimated. The additional vehicle trips would likely result in longer vehicle queues on Tilton Avenue during train passbys.

**SECTION 9.** For the reasons described above, the Planning Commission hereby recommends denial of General Plan Amendment application, GPA-05-02: Tilton – Barnick.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF OCTOBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

**FRANCES O. SMITH, Deputy City Clerk**

**ROBERT L. ESCOBAR, Vice-Chair**



**RESOLUTION NO. 06- (GPA Approval)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND THE COMMUNITY DEVELOPMENT ELEMENT OF THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FOR A 7.84-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MONTEREY RD AND TILTON AVE FROM SINGLE-FAMILY LOW (1-3 DU/AC) TO MULTI-FAMILY LOW (5-14 DU/AC) (APN 712-09-001)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of October 24, 2006, at which time the Planning Commission recommended approval of General Plan Amendment application, GPA-05-02: Tilton - Barnick; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

- SECTION 1.** The project is consistent with the Zoning Ordinance and the General Plan with the amendments proposed.
- SECTION 2.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.
- SECTION 3.** The Planning Commission recommends City Council approval of the General Plan Amendment as shown in the attached Exhibit 'A'.
- SECTION 4.** The Planning Commission recommends the following amendment to Policy 15a of the Community Development Element of the General Plan: "West of Highway 101, *east of Monterey Road* and north of the Madrone Industrial Park, feather residential uses toward the northern Sphere of Influence boundary with San Jose."
- SECTION 5.** The Planning Commission recommends the following amendment to Action 15.1 of the Community Development Element of the General Plan: "Retain the existing land use pattern of large lots east *of Highway 101* and west of 101 *on the east side of Monterey Road* and north of Cochrane Road."

**SECTION 6.** The Planning Commission recommends the following amendment to Action 8.3 of the Community Development Element of the General Plan: "Provide for an acceptable transition in lot size and density between adjacent residential uses *where feasible and practical.*"

**SECTION 7.** Future development of the General Plan Amendment area shall comply with the mitigation measures of the approved mitigated Negative Declaration. Subsequent, project level environmental review shall also be completed at time of future entitlement.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF OCTOBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

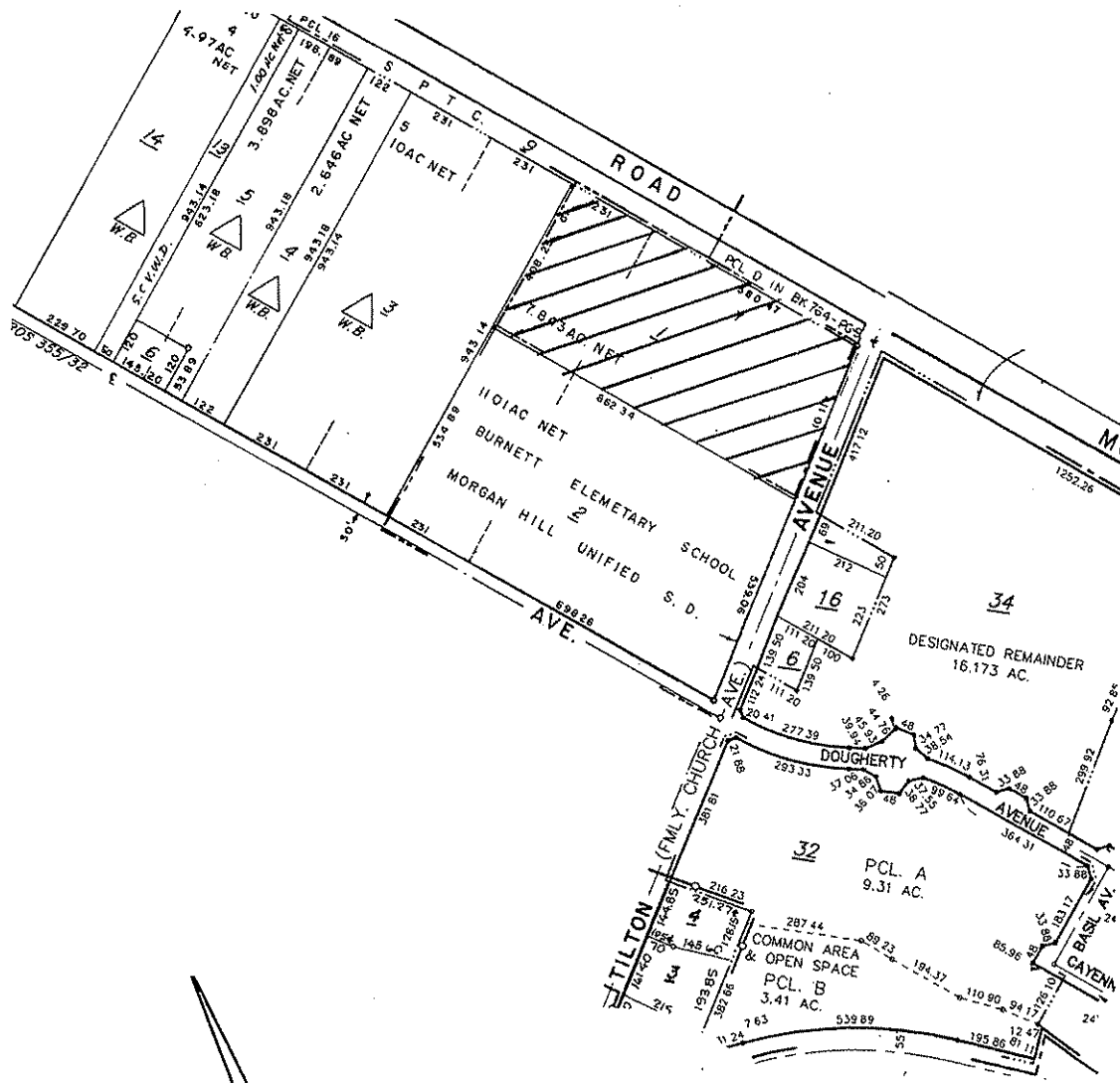
**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

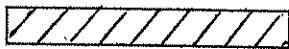
\_\_\_\_\_  
**FRANCES O. SMITH, Deputy City Clerk**

\_\_\_\_\_  
**ROBERT L. ESCOBAR, Vice-Chair**



**N**  
SCALE: 1"= 500'

AREA TO BE AMENDED



EXISTING: SINGLE FAMILY [LOW]

PROPOSED: MULTI FAMILY [LOW]

## EXHIBIT "A"

TITLE:

**PROPOSED GENERAL PLAN AMENDMENT**

**CITY OF**

**MORGAN HILL**

**LANDS OF BARNICK**

MORGAN HILL

CALIFORNIA

DATE:

APPROVAL DATE:

DRAWN BY:

APPROVED BY:

**DpC**

DEVELOPMENT PROCESS CONSULTANTS

**RESOLUTION NO. 06- (ZA Denial)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING TO DENY A ZONE CHANGE FROM R1(12,000) AND R1(20,000) SINGLE FAMILY LOW DENSITY RESIDENTIAL TO R2-3,500 MEDIUM DENSITY RESIDENTIAL FOR A 7.84-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MONTEREY RD AND TILTON AVE (APN 712-09-001)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of October 24, 2006, at which time the Planning Commission recommended denial of Zoning Amendment application, ZA-05-03: Tilton - Barnick; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The project is inconsistent with the Zoning Ordinance and the policies of the General Plan.

**SECTION 2.** The project is recommended for denial, and therefore, does not require environmental review under the California Environmental Quality Act.

**SECTION 3.** The Planning Commission recommends denial of the proposed Zoning Amendment for the reasons listed below and as further discussed under Sections 4 through 8 of this Resolution:

- A. Inconsistency with General Plan Policies and Action Statements regarding feathering, compatibility with agricultural uses, and residential density transition;
- B. Noise Impacts; and
- C. Traffic/Circulation Impacts.

**SECTION 4.** The proposed Zoning Amendment is inconsistent with General Plan Policy 15a and Action 15.1 calling to "*feather residential uses toward the northern Sphere of Influence boundary with San Jose*" and to "*retain the existing land use pattern of large lots east and west of 101 and north of Cochrane Road,*" respectively. The 'feathering effect' creates a gradual transition in land use from the urban built environment to the more rural county setting by requiring larger lot development near the city edges.

**SECTION 5.** Approval of the proposed Zoning Amendment would compound compatibility issues between future residential uses and the adjacent agricultural uses by allowing more than four times the number of units on the site than currently allowed.

**SECTION 6.** General Plan Action 8.3 requires an acceptable transition in lot size and density between adjacent residential areas. The subject site is currently zoned R1(12,000) on the southern half of the property and R1(20,000) on the northern half. The proposed zone change to R2-3,500 for the entire site would eliminate the existing density transition between the adjacent property to the south zoned R1(12,000)/RPD and the adjacent property to the north zoned A20ac in the unincorporated County.

**SECTION 7.** The project site is bounded by railroad tracks to the east, an elementary school to the west, and a collector street to the south. Approval of the proposed Zoning Amendment would allow up to 109 residential uses on-site (an increase of 86 units from existing conditions) which would compound noise impacts for future residential uses.

**SECTION 8.** Under the existing R1(12,000) and R1(20,000) zoning designations, it is estimated that 220 vehicle trips would be generated from development of the site. Under the proposed R2-3,500 zoning designation, 638 vehicle trips are estimated. The additional vehicle trips would likely result in longer vehicle queues on Tilton Avenue during train passbys.

**SECTION 9.** For the reasons described above, the Planning Commission hereby recommends denial of Zoning Amendment application, ZA-05-03: Tilton – Barnick.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF OCTOBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**FRANCES O. SMITH, Deputy City Clerk**

\_\_\_\_\_  
**ROBERT L. ESCOBAR, Vice-Chair**

**RESOLUTION NO. 06- (ZA Approval)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF A ZONE CHANGE FROM R1(12,000) AND R1(20,000) SINGLE FAMILY LOW DENSITY RESIDENTIAL TO R2-3,500 MEDIUM DENSITY RESIDENTIAL FOR A 7.84-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MONTEREY RD AND TILTON AVE (APN 712-09-001)**

**WHEREAS**, such request was considered by the Planning Commission at their regular meeting of October 24, 2006, at which time the Planning Commission recommended approval of Zoning Amendment application, ZA-05-03: Tilton - Barnick; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

- SECTION 1.** The project is consistent with the Zoning Ordinance and the General Plan with the amendments proposed.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.
- SECTION 4.** The Planning Commission hereby recommends approval to change the zoning designation of the 7.84-acre site located at the northwest corner of Monterey Road and Tilton Avenue from R1(12,000) and R1(20,000) Single Family Low Density Residential to R2-3,500 Medium Density Residential, as shown in the attached Exhibit 'A'.
- SECTION 5.** Future development of the Zoning Amendment area shall comply with the mitigation measures of the approved mitigated Negative Declaration. Subsequent, project level environmental review shall also be completed at time of future entitlement.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF OCTOBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSTAIN: COMMISSIONERS:**


**ABSENT: COMMISSIONERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**FRANCES O. SMITH, Deputy City Clerk**

\_\_\_\_\_  
**ROBERT L. ESCOBAR, Vice-Chair**



TITLE:

## MORGAN HILL

CALIFORNIA

DATE:

APPROVAL DATE:

**DRAWN BY:**

APPROVED BY:

D<sub>p</sub>C  
DEVELOPMENT PROCESS CONSULTANTS



# DpC

DEVELOPMENT PROCESS CONSULTANTS

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April 14, 2005

CITY OF MORGAN HILL

SUBJECT: GPA APPLICATION: *Lands of Barnick.*

## LETTER OF JUSTIFICATION.

The Applicants request is to amend the General Plan designation on the subject property to "Multi-Family Low". This will provide for additional housing type needed in the City of Morgan Hill. It will allow for clustering with smaller lots/units and yield open space areas within the site to provide for transition to conform to uses to the north. The current GP designated to this site does not allow for significant clustering and smaller lots. [Because of current City of Morgan Hill zoning restrictions, the minimum lots size allowed with the current GP is approximately 9000 sq. ft. of which only 25 % of the total units are allowed to be as such.] Additionally, the site is located between the S.P.R.R. and a grammar school serving K through 6 grades. The proposed product will provide housing affordable for young families in this location within walking distance to the City of Morgan Hills most significant business parks. This level of affordability and product type has been avoided in this location of Morgan Hill.

Vincent R. Burgos

DEVELOPMENT PROCESS CONSULTANTS

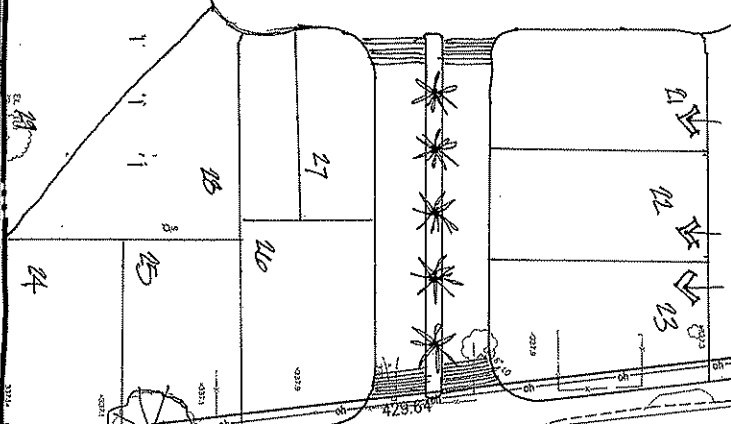
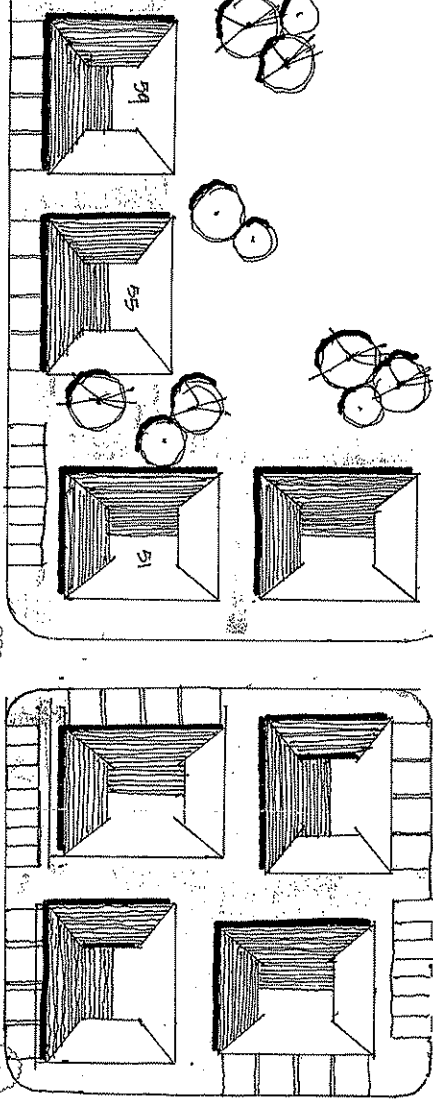
DpC  
370 CASTENADA AVENUE  
SAN FRANCISCO, CA. 94116  
(415)504-8611

MORGAN HILL UNIFIED SCHOOL DISTRICT

N51°08'16"E 409.38'

SOUTHERN PACIFIC TRANSPORTATION CO.

N83°09'W 811.65'



N43°31'12"E 430.08' MILTON AVENUE

TOTAL 59  
32 CONDO  
16 R-2 DETACHED  
9 R-1 SF.

23034	23035	23036	23037	23038	23039	23040	23041	23042	23043	23044	23045	23046	23047	23048	23049	23050	23051	23052	23053	23054	23055	23056	23057	23058	23059	23060	23061	23062	23063	23064	23065	23066	23067	23068	23069	23070	23071	23072	23073	23074	23075	23076	23077	23078	23079	23080	23081	23082	23083	23084	23085	23086	23087	23088	23089	23090	23091	23092	23093	23094	23095	23096	23097	23098	23099	23100
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